

**COUNTY of
CUMBERLAND
VIRGINIA**

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Planning Commission

District 1
Patrick Smook

District 2
Keith Oulie

District 3
William C. Burger

District 4
David Brown

District 5
Rolland Gilliam

At Large
Parker Wheeler

At-Large
Irene Speas

**MINUTES OF THE
CUMBERLAND COUNTY PLANNING COMMISSION
Public Hearing
Cumberland County Courthouse
Cumberland, Virginia
October 17, 2005, 7:00 P.M.**

Present: Bill Burger, Chairman, District 3
David Brown, District 4
Roland Gilliam, District 5
Keith Oulie, District 2
Patrick Smook, District 1
Irene Speas, At-Large
Parker Wheeler, Vice-Chairman, At-Large

Absent: Bill Osl, Board Representative

Also Present: Catherine Kahl, Planner/Zoning Administrator, Clerk of the
Commission
Darvin Satterwhite, County Attorney
Jason Norton, Farmville Herald
Bill Smith, Cumberland Bulletin

The meeting was called to order, the roll called, and a quorum established.

The first order of business was to welcome incoming Commissioner Irene Speas. Ms. Speas had served on the Commission in the past, and stated she was glad to be back.

Parker Wheeler made a motion to accept the minutes of September 13, 19 and 26, 2005 as amended, and the motion was seconded by Commissioner Brown. The vote to accept was unanimous.

Planner Catherine Kahl was called upon to explain the changes to the zoning ordinance, and she told the Commission that the Public Hearing was to get feedback about making both the Subdivision and Zoning Ordinance uniform in regard to building setbacks.

In a side note, Commissioner Oulie introduced the argument that perhaps the Planner should have some administrative discretion regarding enforcement of ordinances in areas where setbacks would cause problems.

County Attorney Satterwhite explained that the current session of the Legislature opened the door for the Zoning Administrator to give an approval to specific variances, on the question of hardship, rather than go through the Planning Commission. New statutes enacted this year will allow this use of the code. It was thought that this may allow political pressure to influence decisions, and that steps should be taken to take this dynamic out of the process of granting variances. The recent Bowman CUP regarding non-compliance with setbacks was discussed as a possible case in point, in which the Planner could have had more authority in making a decision. Cases where the applicant had enough land to do what was necessary, but wanted a variance to do something different would be decided by the Planner, rather than the Planning Commission. An appeal to the Board of Zoning Appeals would be the means to address the Planner's decision should it be negative. The new ordinance passed by the state cites a "Modification Clause."

It was determined that the Commission needed to wait for the new language from the state before further addressing the new statute.

Chairman Burger stated that the currently proposed zoning change was simply a housekeeping task to make the two ordinances uniform in setbacks for each zone.

In addressing the ordinance, Commissioner Smook asked whether clustered development and maintaining rural character could even happen in a setback of less than 130'. It was determined in further discussion that this is one of the reasons that the 130' setback may not be applicable in all areas of the county and that a review of the zoning districts will be essential in implementing the future land use map.

The Public Hearing portion of the meeting was then opened, and there being no speakers signed up, the Public Hearing was closed.

Commissioner Oulie made a motion to pass the Resolution to Amend the Setback Zoning Ordinance as presented, the motion was seconded by Commissioner Wheeler, and the vote to send the ordinance on to the Board of Supervisors was as follows:

Commissioner Brown - aye
Commissioner Burger - aye
Commissioner Gilliam - aye
Commissioner Oulie - aye

Commissioner Speas - aye
Commissioner Smook - aye
Commissioner Wheeler - aye

The next item on the agenda was the election of Chair and Vice Chair of the Planning Commission. After asking for nominations for a new Chairman, and there being none from the floor, the meeting was adjourned for 7 minutes while Chairman Burger and Vice Chairman Wheeler went to another room to confer. When they returned, the meeting was again called to order, and a nomination was again called for Chair. Commissioner Wheeler was nominated by Commissioner Oulie. There being no further nominations, the process was then closed. A motion was made by Commissioner Oulie to accept Commissioner Parker Wheeler as the new Chair of the Commission. The motion was seconded by Commissioner Gilliam. The vote was as follows:

Commissioner Brown - aye
Commissioner Burger - aye
Commissioner Gilliam - aye
Commissioner Oulie - aye

Commissioner Speas - aye
Commissioner Smook - aye
Commissioner Wheeler - aye

Nominations were then opened for a new Vice Chair of the Commission. Commissioner Oulie nominated Commissioner Burger for Vice Chair. There being no further nominations, the process was closed.

A motion was made by Commissioner Oulie to accept Bill Burger as the new Vice Chair of the Commission. The motion was seconded by Commissioner Wheeler. The vote was as follows:

Commissioner Brown - aye
Commissioner Burger - aye
Commissioner Gilliam - aye
Commissioner Oulie - aye

Commissioner Speas - aye
Commissioner Smook - aye
Commissioner Wheeler - aye

Beginning at the next meeting on October 24th, Commissioner Parker Wheeler is the new Chair and Commissioner Bill Burger is the new Vice Chair of the Planning Commission.

The Annual Report for the Planning Commission was then introduced by the Planner. Ms. Kahl stated that she had not been in Cumberland for most of the time reported, but that she had worked with Commissioner Burger in gathering the information regarding what had been accomplished. The report covered the period May 2004 – September 2005. The report covered work done by the Commission on the Capital Improvement Plan, Rezoning and Conditional Use Permit Applications, a Comprehensive Plan update, Subdivision and Zoning Ordinance updates, the R-3 and R2-5 Zoning District issues, Cash Proffers, and Educational Workshops regarding land use. It also stated goals for the upcoming year.

Discussion was also introduced regarding the creation of a Public Advisory Committee to help Planning Commission members achieve the goal of more citizen input into the changes going on due to growth in the county. Commissioner Speas stated she thought meetings should be held in the districts affected by decisions of the Planning Commission. She also strongly urged the use of media to reach more citizens (radio, newspaper, and announcements in county churches).

Discussion ended and a motion to send the Annual Report to the Board of Supervisors, with edits accepted until October 24th was made by Commissioner Wheeler, and seconded by Commissioner Gilliam. The vote was as follows:

Commissioner Brown - aye
Commissioner Burger - aye
Commissioner Gilliam - aye
Commissioner Oulie - aye

Commissioner Speas - aye
Commissioner Smook - aye
Commissioner Wheeler - aye

Ms. Kahl then brought the issue of Family Subdivisions to the attention of the Commission, stating that places like Goochland County allowed either Parent Tract Divisions, or Family subdivisions, but not both. She suggested that Cumberland might consider this option. She also asked if the issue of Parent Tract divisions should be addressed again to stem the tide of chopping up the county by right. She stated that Parent Tract divisions and consequent Family Divisions created major subdivisions without ever coming before the Planning Commission or Board of Supervisors. She stated both divisions need to be better monitored to prevent circumventing the ordinances covering them.

Ms. Kahl then stated she had heard from Habitat for Humanity, who asked that consideration be given to the idea that a 2 acre parcel of land may be donated to a charity and not count as a parent tract cut. Alternately, the donation could be made if the property is no longer a parent tract.

Commissioner's Comments:

Commissioner Smook thanked Chairman Burger for his service as Chair of the Commission, and stated that he appreciated his guidance when he became a new member. He then asked the Planner if there was any indication of how many of the family subdivisions are still in effect after 3 years. Ms. Kahl stated that there is no current indication of how many still exist.

Commissioner Oulie asked the Planner to outline a nuts/bolts plan to formulate an Architectural Review Board (ARB), to review details for new construction (land use, landscaping, building form - including form-based zoning). He stated this could be as restrictive as needed to accomplish the goals set by the Commission. He stated he thought they should start with setting standards in design. He then asked the Planner to research ARBs in other localities in Virginia to see what criteria is used in setting up an ARB and making it a functional group.

Ms. Kahl responded that before the ARB could be formed, boundaries would need to be established and land use mapping would need to be completed. It needs to be determined what type of zoning would go where, before an ARB would be needed. Model types of design standards and objectives first need to be put in place by the Planning Commission. Then an ARB would be formed to review those standards in all new construction.

Commissioner Smook stated he believed the ARB, when formed, should be made up of average citizens – not Planning Commission members. Ms. Kahl responded that at most only one Planning Commissioner would likely serve on the board at one time, and that ARB members typically include a prescribed assortment of backgrounds, such as an historian, a contractor, a landscaper, an architect, etc.

Commissioner Brown offered his thanks to Commissioner Burger for his continued work with the Commission throughout his time as Chair.

Chairman Burger stated he wanted to thank everyone on the Commission for their help over the course of his time as Chair.

There being no other business before the Commission, a motion to adjourn was made by Commissioner Oulie, and seconded by Commissioner Wheeler. The meeting was unanimously

adjourned until an October 24th workshop with a presentation by Aaron Hickman, Director of Information Technology.

Attested:

Bill Burger, Planning Commission Chair

Date

Catherine Kahl, Clerk of the Commission

Date